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MAR 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Appl. No. : 09/890,295
Applicant : Sergio Milan
Filed : July 27, 2001
TC/A.U. : 1714
Examiner : Edward J. Cain

Confirmation No. 9303

Docket No. : H 3891 PCT/US
Customer No.: 23657

CERTIFICATE OF FACSIMILE TRANSMISSION PER 37 C.F.R. §1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

March 16, 2004
Date

Mariene Capri
Signature of certifier

Mariene Capri
Typed or printed name of certifier

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated December 16, 2003, please amend the instant application as follows.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Page 1 of 11

'AGE 2/12' RCVD AT 3/16/2004 9:23:58 AM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/1 * DHIS:8729306 * CSID:*215 628 1345 DURATION (mm:ss):02:24

Adjustment date: 04/22/2004 EEKUBAY1
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01 FC:1201 86.00 GR

03/19/2004 09:23:58 AM 003-501177 09890295

01 FC:1201 86.00 GR

STATUS AND BRANCH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 APR -8 AM 11:50

Applicant: Sergio Milan
Appl. No.: 00/890,285
Filing Date: July 27, 2001
Title: USE OF FATTY ACID ALKANES AS ANTISTATICS
Grp./A.U.: 1714
Examiner: Edward J. G...
Cust. No.: 23657
Docket No.: H 3891 PCT/US

CERTIFICATE OF MAILING PER 37 C.F.R. § 1.8

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Typed or printed name of certifier

REQUEST FOR DEPOSIT ACCOUNT CREDIT UNDER 37 CFR § 1.28

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Office of Finance

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Sir:

We hereby request that a credit be given to Deposit Account 50-1177 in the amount of \$86 which was charged on March 19, 2004, Seq. No. 4, Fee Code 1201 (see attached Statement) for an additional independent claim. This case was originally filed with 5 independent claims (copy of transmittal and Statement of August 2001 attached); then an amendment was filed on March 16, 2004, which cancelled 2 independent claims and added 1 independent claim (copy attached); therefore Applicant believes that the fee charged on March 19 was in error since Applicant had already paid for 2 extra independent claims.

This request is being filed within two years of the referenced Statement.

Respectfully submitted,

Cognis Corporation
300 Brookside Avenue
Ambler, PA 19002

Steven V. Trzaska
Steven V. Trzaska
(Reg. No. 36,266)
Attorney for Applicant
(215) 628-1416

- Encl.: 1. USPTO Deposit Acct. Statement for March 2004
2. USPTO Deposit Acct. Statement for July 2001 w/transmittal Ltr. of 7/27/01 (copy)
3. Amendment of 3/16/04 (copy)

Deposit Account Statement



United States
Patent and Trademark
Office

STATUS AND ENTRY
BRANCH

2004 APR -8 AM 11:50

Deposit Account Statement

Requested Statement Month:

Deposit Account Number:

Name:

Attention:

Address:

City:

State:

Zip:

March 2004

601177

COGNIS CORPORATION

JOHN E DRACH

300 BROOKSIDE AVENUE

AMBLER

PA

19002

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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Deposit Account Statement

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Deposit Account Statement

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SUM OF
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SUM OF
REPLENISH
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BALANCE
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FINA

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Form PTO-1360 (Rev. 12-29-99) US DEPARTMENT OF COMMERCE AND TRADEMARK OFFICE		STATUS AND ENTITY BRANCH
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/E/OUS) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NO. H-3491 PCTAUS
INTERNATIONAL APPLICATION NO. PCT/EP00/00467		U.S. APPLICATION NO. (Publication see 37 CFR 1.53) 2894 APR -8 PM 12: 01
INTERNATIONAL FILING DATE January 22, 2000		PRIORITY DATE CLAIMED January 30, 1999
TITLE OF INVENTION USE OF FATTY ACID ALKANOLAMINE ESTERS AS ANTISTATICS		
APPLICANT(S) FOR DO/E/OUS Sergio Milan		
Applicant herewith submits to the United States Designated/Elected Office (DO/E/OUS) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This expresses request to begin national examination procedures (35 U.S.C. 371(f)) at any time either than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1). 4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (original only if not transmitted by the International Bureau). b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (original only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, no time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11. to 16. below concern other documents or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.212 and 1.26. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input type="checkbox"/> Other items or information: 		
<p>"Express Mail Post Office to Addressee" service Mailing Label Number <u>EL541613721US</u></p>		

U.S. Application No. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP98/0457		ATTORNEY'S DOCKET NUMBER H 3891 PCT/US	
17. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(3)) Neither International preliminary examination fee (37 CFR 1.492) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO: \$1,000.00 International preliminary examination fee (37 CFR 1.492) not paid to USPTO but International Search Report prepared by the EPO or JPO: \$860.00 International preliminary examination fee (37 CFR 1.492) not paid to USPTO but International search fee (37 CFR 1.445(a)(2)) paid to USPTO: \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.492) but all claims did not satisfy provisions of PCT Article 33(1)-(3): \$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.492) and all claims satisfied provisions of PCT Article 33(1)-(3): \$100.00		CALCULATIONS PTO USE ONLY		STATUS AND BRANCH	
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Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(a)(4))					
CLAIMS	NUMBER CLAIMS	NUMBER PAGES	RATE		
Total Claims	8 - 20 =	8	\$ X \$18.00		
				\$	0
Multiple dependent claims (s)(f) applicable		8	+ \$270.00	\$	0
				\$	1020
TOTAL OF ABOVE CALCULATIONS				\$	0
Reduction of 1/4 for filing by small entity, if applicable. A Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)				\$	1020
NET TOTAL				\$	0
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(b))				\$	1020
TOTAL NATIONAL FEE				\$	0
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 1.21(i)). \$10.00 per property				\$	1020
TOTAL FEES ENCLOSED				\$	1020
				Amount to be refunded:	\$
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a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

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NOTE: Where an appropriate time limit under 37 CFR 1.21(b) or 1.492 has not been met, a petition to revive (37 CFR 1.137 (a) or (b))
 must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Capitol Corporation, Law Dept.
 2508 Rittenhouse Blvd., Suite 200
 Galt Hill, PA 15405

John E. Drach
 SIGNATURE:

John E. Drach
 NAME - ATTORNEY FOR APPLICANT

32-891
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Confirmation No. 9303

Appl. No. : 09/890,295
Applicant : Sergio Milan
Filed : July 27, 2001
TC/A.U. : 1714
Examiner : Edward J. Cain

Docket No. : H 3891 PCT/US
Customer No.: 23657

CERTIFICATE OF FACSIMILE TRANSMISSION PER 37 C.F.R. §1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

March 16, 2004
Date

Marlene Caporali
Signature of certifier

Marlene Caporali
Typed or printed name of certifier

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Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated December 16, 2003, please amend the instant application as follows.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Response dated March 16, 2004
Reply to Office action of December 16, 2003

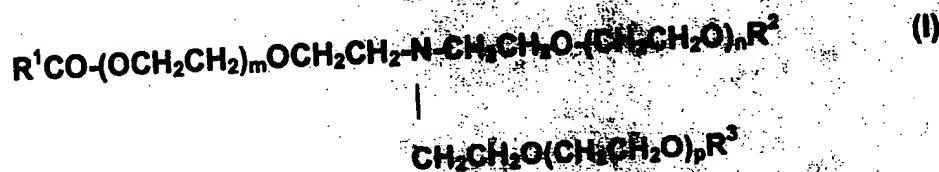
Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

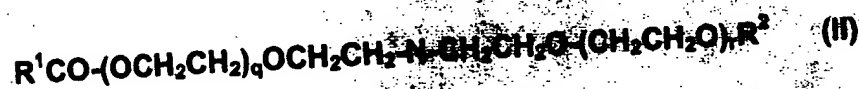
Claims 1-13 (cancelled).

Claim 14 (previously presented): A method of imparting antistatic properties to a thermoplastic comprising contacting a thermoplastic with from about 0.5 to about 5 parts by weight of an antistatic agent of the formula (I):



wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms; each of R^2 and R^3 is independently hydrogen or R^1CO ; m , n and p together stand for 0 or numbers of 1 to 12.

Claim 15 (previously presented): A method of imparting antistatic properties to a thermoplastic comprising contacting a thermoplastic with from about 0.5 to about 5 parts by weight of an antistatic agent of the formula (II):



wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms, R^2 is

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hydrogen or R^1CO ; R^4 is an alkyl group having from 1 to about 4 carbon atoms and q and r together stand for 0 or numbers of 1 to 12.

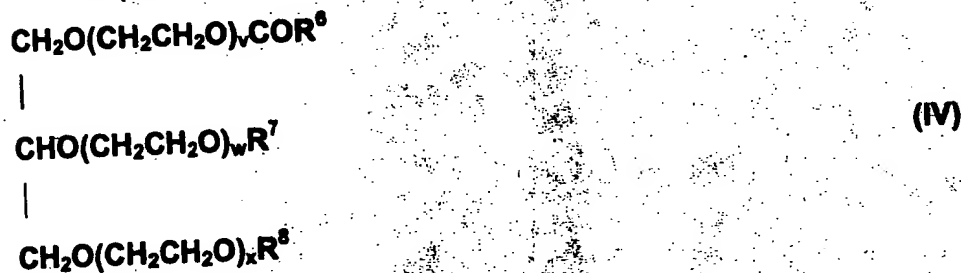
Claim 16 (previously presented): A method of imparting antistatic properties to a thermoplastic comprising contacting a thermoplastic with from about 0.5 to about 5 parts by weight of an antistatic agent of the formula (III):



wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms; R^2 is hydrogen or R^1CO , each of R^4 and R^5 is independently an alkyl group having 1 to about 4 carbon atoms and s and t together stand for 0 or numbers of 1 to 12.

Claim 17 (cancelled).

Claim 18 (new): The method of claim 14 further comprising contacting the thermoplastic with a lubricant selected from the group consisting of a compound corresponding to formula (IV):

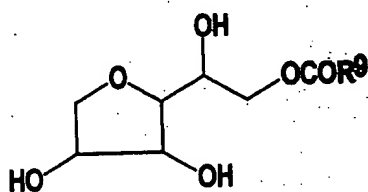


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wherein R^6CO is a linear or branched, saturated or unsaturated acyl group having from 6 to 22 carbon atoms; each of R^7 and R^8 is R^6CO or OH with the proviso that at least one of R^6 and R^7 is OH ; each of m , n , and p is a number for 0 to 100 such that the sum of $v+w+x$ has a value of from 0 to 100; a compound corresponding to formula (V):



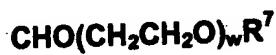
(V)

wherein R^6CO is a linear or branched, saturated or unsaturated acyl group having from 6 to 22 carbon atoms, and mixtures thereof.

Claim 19 (new): The method of claim 15 further comprising contacting the thermoplastic with a lubricant selected from the group consisting of a compound corresponding to formula (IV):



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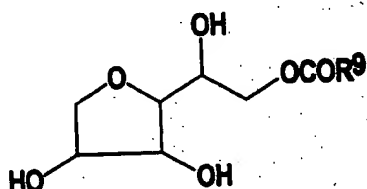


(IV)

wherein R^6CO is a linear or branched, saturated and/or unsaturated acyl group having from 6 to 22 carbon atoms; each of R^7 and R^8 is R^6CO or OH with the proviso that at least one of R^6 and R^7 is OH ; each of m , n , and p is a number for 0 to 100 such that the sum of $v+w+x$ has a value of from 0 to 100; a compound corresponding to formula (V):

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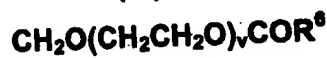
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(V)

wherein R^9CO is a linear or branched, saturated or unsaturated acyl group having from 6 to 22 carbon atoms, and mixtures thereof.

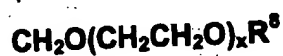
Claim 20 (new): The method of claim 16 further comprising contacting the thermoplastic with a lubricant selected from the group consisting of a compound corresponding to formula (IV):



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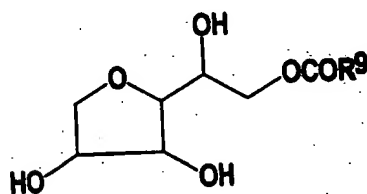
(IV)

wherein R^6CO is a linear or branched, saturated and/or unsaturated acyl group having from 6 to 22 carbon atoms; each of R^7 and R^8 is R^6CO or OH with the proviso that at least one of R^6 and R^7 is OH; each of m , n , and p is a number for 0 to 100 such that the sum of $v+w+x$ has a value of from 0 to 100; a compound corresponding to formula (V):

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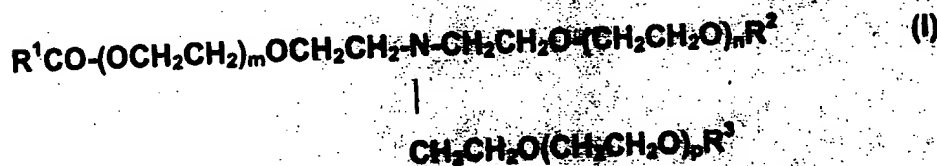


(V)

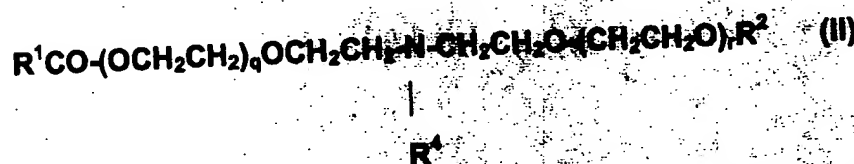
wherein R^9CO is a linear or branched, saturated or unsaturated acyl group having from 6 to 22 carbon atoms, and mixtures thereof.

Claim 21 (new): A polymeric composition comprising:

- (a) a thermoplastic;
- (b) from about 0.5 to 5 parts by weight, based on the weight of the thermoplastic, of an antistatic additive selected from the group consisting of a compound corresponding to formula (I):



wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms; each of R^2 and R^3 is independently hydrogen or R^1CO ; m, n and p together stand for 0 or numbers of 1 to 12, a compound corresponding to formula (II):



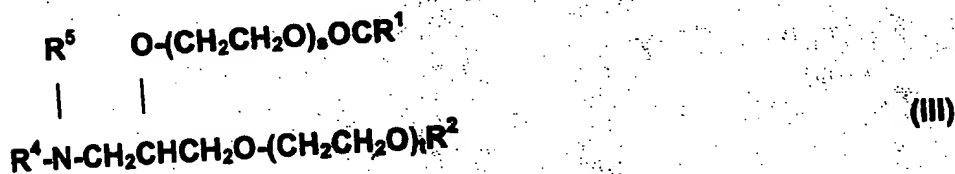
wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms, R^2 is

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hydrogen or R^1CO ; R^4 is an alkyl group having from 1 to about 4 carbon atoms and q and r together stand for 0 or numbers of 1 to 12, a compound corresponding to formula (III):



wherein R^1CO is an acyl group having from about 6 to about 22 carbon atoms; R^2 is hydrogen or R^1CO , each of R^4 and R^5 is independently an alkyl group having 1 to about 4 carbon atoms and s and t together stand for 0 or numbers of 1 to 12, and mixtures thereof; and

(c) optionally, a lubricant selected from the group consisting of a compound corresponding to formula (IV):

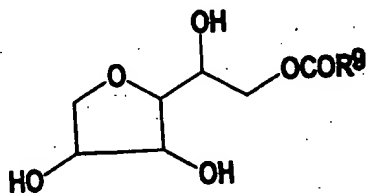


wherein R^6CO is a linear or branched, saturated and/or unsaturated acyl group having from 6 to 22 carbon atoms; each of R^7 and R^8 is R^6CO or OH with the proviso that at least one of R^6 and R^7 is OH ; each of m , n , and p is a number for 0 to 100 such that the sum of $v+w+x$ has a value of from 0 to 100; a compound corresponding to formula (V):

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(v)

wherein R⁹CO is a linear or branched, saturated or unsaturated acyl group having from 6 to 22 carbon atoms, and mixtures thereof.

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Remarks

Favorable consideration and allowance of the instant application is respectfully requested in view of the foregoing amendments to the claims, and the remarks which follow.

Claims 14-16 and 18-21 are currently pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 10-12 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ikenaga et al. (US 4,274,986). This rejection is respectfully traversed for the following reasons.

Claims 10-12 and 17 have been cancelled. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 14 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Browning (US 2,678,285). This rejection is respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is very well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990). Applicant respectfully submits that the '285 reference fails to anticipate the present invention on the grounds that it fails to disclose each and every element thereof.

In example 1 of the '285 reference, there is a reference to a 5% aqueous emulsion containing triethanolamine stearate and polythene. It is unclear to Applicant, however, what significance this teaching has within the example. More particularly, in all of the other examples contained in the reference, a film is passed through a bath containing a surfactant and water. The same is true for the first part of example 1. However, in example 1, this disclosure mysteriously appears relating to an emulsion containing a

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triethanolamine ester and polythene. It is not clear, however, whether the film treated in the first bath is then passed through this emulsion, or whether it is passed through the emulsion instead of the first bath. Nowhere else within the reference is there any disclosure, whatsoever, concerning the use of an aqueous emulsion containing a triethanolamine ester and polythene. Thus, its relevance within this reference is a complete mystery to Applicant.

Nevertheless, whereas claim 14 requires that its alkanolamine ester be employed in an amount of from about 0.5 to 5 parts by weight, based on the weight of the polymer, the '285 reference contains no such disclosure. Consequently, for this reason alone, the '285 reference should not be held to anticipate the invention embodied in claim 14. However, based on the lack of clarity associated with teaching contained in example 1 concerning the use of a triethanolamine ester and polythene, Applicant further submits that this teaching should not be relied upon for a finding of anticipation.

As for claim 17, it has been cancelled.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Applicant would also like to note that with respect to the new claims submitted herewith, neither the '285 reference nor the '986 reference anticipates the subject matter contained in those claims. More particularly, with respect to the '285 reference, the shortcomings associated with its teaching are as outlined above. As for the '986 reference, it fails to contain any disclosure regarding the use of fatty acid alkanolamine esters, in general.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Reply to Office action of December 16, 2003

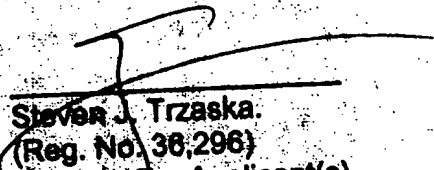
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The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

Cognis Corporation
Patent Department
300 Brookside Avenue
Ambler, PA 19002


Steven J. Trzaska.
(Reg. No. 38,296)
Attorney For Applicant(s)
215-628-1416

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